

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.11(26), the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 24, “Private Well Testing, Reconstruction, and Plugging—Grants to Counties,” Iowa Administrative Code.

The following paragraphs summarize the proposed amendments:

Items 1 and 10 amend rules to update Iowa Code citations.

Item 2 amends rule 641—24.2(135) to add a new definition.

Item 3 amends subrules 24.5(1) to 24.5(7) to align reimbursement amounts with actual costs and to add arsenic testing as an eligible reimbursement item.

Items 5 through 7 and 9 amend rules to provide clarification.

Item 8 amends subrule 24.9(2) to reflect current Department structure.

Any interested person may make written suggestions or comments on these proposed amendments on or before February 10, 2015. Such written materials should be directed to Carmily Stone, Chief of Bureau of Environmental Health Services, Iowa Department of Public Health, Lucas State Office Building, Fifth Floor, 321 East 12th Street, Des Moines, Iowa 50319; fax (515)281-4529; or e-mail carmily.stone@idph.iowa.gov.

Also, a public hearing will be held on Tuesday, February 10, 2015, from 9 to 11 a.m. on GoToMeeting. Interested persons may join the meeting by computer by accessing the following Web site: <https://www1.gotomeeting.com/register/276590537>. The use of microphone and speakers (VoIP) or a headset is recommended. Interested persons may also join the meeting by telephone in the United States and Canada, toll-free, at 1-877-455-1368; the access code is 867-616-596, and an audio PIN will be shown after the person joins the meeting. Interested persons may also attend the public hearing in person at the Director’s Conference Room on the sixth floor of the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa. Persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing impairments, should contact the Department of Public Health and advise of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 455E.11 and 135.11(26).

The following amendments are proposed.

ITEM 1. Amend rule 641—24.1(135) as follows:

641—24.1(135) Applicability. These rules apply to administration of the grants to counties program by the department in accordance with Iowa Code sections 135.11(29)(26) and 455E.11(2)“b”(3)(b), ~~subsection 2, paragraph “b,” subparagraph (3), subdivision (b),~~ for the purpose of testing private water wells, reconstructing private water wells, and the proper plugging of abandoned private water wells (including cisterns that present a contamination risk to groundwater), within the jurisdiction of each county board of health.

ITEM 2. Adopt the following **new** definition of “Public water supply” in rule **641—24.2(135)**:
“*Public water supply*” means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days during the year.

ITEM 3. Amend subrules 24.5(1) to 24.5(7) as follows:

24.5(1) Up to ~~\$500~~ \$1,000 for private water well-related training expenses, including registration, mileage, and per diem for employees attending department-approved trainings. Training approval is granted to water well-related training sponsored by the department, the Iowa Environmental Health Association, the Iowa Public Health Association, the Iowa Water Well Association, the Iowa department of natural resources, and or the Iowa Ground Water Association. The annual conference sponsored by the Iowa Onsite Waste Water Association is also approved. Other trainings must receive approval of the department ~~prior to submitting~~ before a voucher for expenses is submitted.

24.5(2) Up to ~~\$250~~ \$500 for ~~equipment expenses~~ supplies related to the grants to counties program. Eligible ~~equipment includes~~ supplies include, but is are not limited to, Global Positioning System (GPS) units, private water well data software, inspection ~~equipment~~ supplies, cameras, and sampling equipment.

24.5(3) Up to ~~\$250~~ \$1,000 for advertising and promotional expenses to educate county residents about the availability of funds for private water well testing, abandoned well plugging, and private water well reconstruction.

24.5(4) \$75 Actual costs will be paid for each private water well test conducted under the program, including ~~\$45~~ \$60 for administrative expenses. At a minimum, well sampling shall include analyses for total nitrate (including nitrite) and total coliform bacteria. Optional analyses may also include arsenic.

24.5(5) ~~\$475~~ Up to \$575 will be paid for each abandoned private water well plugging conducted in accordance with 567 IAC ~~—Chapter~~ 39, including \$75 for administrative expenses. Private water well plugging must be conducted by a certified individual as defined in 567 IAC ~~—Chapter~~ 82 or by the well owner under direct supervision by the county.

24.5(6) Up to \$375 will be paid for each cistern plugging but only for those cisterns deemed by the administrative authority to impact groundwater, including \$75 for administrative expenses. Cistern plugging must be conducted by a certified individual as defined in 567 IAC ~~—Chapter~~ 82 or by the well owner under direct supervision by the county.

24.5(7) Up to ~~\$600~~ \$1,000 in reconstruction costs plus 33 percent of actual reconstruction costs for administrative purposes will be paid for each private water well reconstruction. Grant funds may be used to conduct reconstruction intended to preclude contamination due to surface water intrusion by coliform or other infectious bacteria. Examples include repairs of casing, well caps, or pitless adapters; and elimination of well pits.

ITEM 4. Renumber subrules **24.6(5)** to **24.6(8)** as **24.6(6)** to **24.6(9)**.

ITEM 5. Adopt the following **new** subrules 24.6(5) and 24.6(10):

24.6(5) Plugging and reconstruction of wells that are not private water supply wells.

24.6(10) Reimbursement of any individual or entity other than the well owner.

ITEM 6. Amend subrule 24.7(3) as follows:

24.7(3) *Qualified staff.* Staff ~~performing services~~ conducting water well sampling, providing oversight of well or cistern plugging, providing oversight of well reconstructions, or providing technical assistance under this agreement shall complete a minimum of 12 hours of continuing education every year as approved by the Iowa Environmental Health Association Environmental Health Registry Program.

ITEM 7. Amend subrule 24.7(8) as follows:

24.7(8) ~~Workplan~~ Procedures manual. A detailed ~~workplan~~ procedures manual including, but not limited to, the following:

- a. The ~~names and~~ qualifications of personnel responsible for carrying out the program.
- b. No change.

c. A description of ~~any proposed~~ the environmental health and public information programs related to the private well testing, abandoned well plugging, or private well reconstruction programs.

d. Methods to be used by the applicant for selecting private water wells for testing, abandoned private water wells for plugging, or private water wells for reconstruction and the method to address the number of tests which will be reimbursed for individual property owners.

e. to h. No change.

ITEM 8. Amend subrule 24.9(2) as follows:

24.9(2) *Submission.* The department will notify each county board of health of the grant application due date at least 60 days prior to the ~~grant application~~ due date. Completed applications must be received by the Iowa Department of Public Health, Division of Acute Disease Prevention, Emergency Response and Environmental Health, 321 E. 12th Street, Des Moines, Iowa 50319, by the close of business on the application due date. Applications not received by the application due date will be considered ineligible to receive funding during the appropriate fiscal year.

ITEM 9. Amend subrule 24.14(3) as follows:

24.14(3) The continuation or renewal of a grant shall be contingent upon the county's acceptable performance in carrying out its responsibilities described in the ~~workplan~~ procedures manual and in meeting the grant program goals and objectives. All grants will be issued for ~~not more than a period of~~ one year concurrent with a state fiscal year. Applicants must reapply to continue or renew any grant within the specified grant application acceptance period. The department may deny the awarding of a grant extension or may withdraw a grant if it is determined that the county has not carried out the grant responsibilities.

ITEM 10. Amend **641—Chapter 24**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 455E.11 and 135.11~~(29)~~(26).